

REMARKS

This responds to the Office Action dated July 19, 2006, and the references cited therewith.

Claims 8, 14, 15, 17, and 18 are amended, no claims are canceled, and no claims are added; as a result, claims 1-4 and 6-38 remain pending in this application.

Claims 8, 14, 15, 17, and 18 are amended to correct dependency. No new matter is introduced and the present claims are believed to be in condition for allowance.

§103 Rejection of the Claims

Claims 1-4, 6, 8-15 and 17-38 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Shaughnessy et al. (U.S. Patent No. 6,141,347) in view of Brennan et al. (U.S. Patent No. 6,519,472).

Notwithstanding the amendment of the specific claims noted above, Applicant respectfully traverses the rejection and submits that *prima facie* obviousness has not been established for at least the reasons as presented herein.

Independent Claims 1, 22, 25, 32, and 36

In regard to claims 1, 22, 25, 32 and 36, Applicant respectfully submits that all the claimed elements do not appear to be taught or suggested in the proposed combination of Shaughnessy and Brennan. In particular, Applicant is unable to find, in the proposed combination, a teaching or suggestion of a communication group identification number including a network access code (NAC), as recited in claims 1 and 22.

Furthermore, Applicant is unable to find, in the proposed combination, a teaching or suggestion of the group identification number including a network access code (NAC), (as recited in claim 25), or the message including a group identification code, the group identification number including a network access code (NAC), (as recited in claim 32), or the communication identification number includes a network access code (NAC), (as recited in claim 36).

The Office Action asserts that "Brennan discloses the talk group and channel identification code, e.g. "network access code NAC," however, Applicant respectfully traverses

and submits that Brennan does not appear to disclose or suggest that which is claimed in the instant application. Brennan appears silent as to a network access code.

Furthermore, the Office Action does not provide factual basis or reasoning to show that the Brennan “talk group and channel identification code” meets the claim language regarding a network access code. Brennan, on the other hand, at column 2, lines 54-56, states that “the talk group identification code indicates the group of users intended to receive the transmission (the called units).

Applicant respectfully submits that the Office Action assertion is not a faithful recitation of instant claims 1, 22, 25, 32, or 36 and the assertion appears unsupported in the record. The recitation is unsupported because a NAC is not a talkgroup. See TIA TSB 102-A: Project 25 System and Standards Definition, TIA TSB-102-A (herein ‘P25 Standards’) referenced at Applicant’s specification page 8, lines 10-14; also the specific discussion at page 18 et seq. of the specification is exemplary and specific to the embodiment discussed.

In addition, Applicant is unable to find, in the cited documents—individually or in combination—a teaching or suggestion of a NAC. The Office Action overtly acknowledges that “Shaughnessy fails to explicitly disclose wherein the communication group identification number including a network access code ‘NAC’.” Applicant traverses the assertion that Brennan discloses “the talk group and channel identification code, e.g. network access code NAC.”

It appears that the Brennan “channel assignment message” differs from the NAC recited in the claims. For example, at the portion cited in the Office Action, Brennan refers to “. . . the calling unit receives the channel assignment message . . .” whereas, in the present subject matter, the communication group identification is received from the communication source. See representative claim 1 and related concepts in independent claims 22, 25, and 32. Thus, it appears that Brennan (either alone or in combination with Shaughnessy) does not teach or suggest the claimed subject matter.

As for motivation for pursuing the proposed combination of Shaughnessy and Brennan, the Office Action refers to “providing a reliability during communications as disclosed in Brennan; col. 27, lines 25-31.” Applicant respectfully traverses and submits that such reasoning does not satisfy the Examiner’s burden of establishing *prima facie* obviousness. In particular,

the Office Action does not include cogent reasoning to support the selection and combination of the cited documents in the manner proposed. Indeed, each of the cited documents purports to provide reliable communication without need for combining one with the other. In addition, Applicant notes that the Brennan document does not have a column 27. Applicant request clarification as to the citation relied upon by the Examiner, along with a full opportunity with which to respond.

Dependent Claims 2-4, 6, 23-24, 26-31, 33-35, and 37-38

As to dependent claims 2-4, 6, 23-24, 26-31, 33-35, and 37-38, Applicant respectfully submits that each recites additional elements beyond that of the base claims from which each depends. Accordingly, Applicant submits that each of claims 2-4, 6, 23-24, 26-31, 33-35, and 37-38 are in condition for allowance for at least the reasons stated above.

Independent Claims 7 and 16

Independent claims 7 and 16 are noted to be in condition for allowance.

Dependent Claims 8-15 and 17-21

Claims 8-15 and 17-21 depend, directly or indirectly, on claims 7 and 16, respectively. If an independent claim is nonobvious under 35 U.S.C. § 103, then any claim depending therefrom is also nonobvious. MPEP § 2143.03. Applicant requests reconsideration and allowance of claims 8-15 and 17-21.

CONCLUSION

Applicant respectfully submits that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney at (612) 373-6911 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

DANA SIMONSON ET AL.

By their Representatives,

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.
P.O. Box 2938
Minneapolis, MN 55402
(612) 373-6911

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By David W. Black
David W. Black
Reg. No. 42,331

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being filed using the USPTO's electronic filing system EFS-Web, and is addressed to: Mail Stop Amendment, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 19 day of October 2006.

John D. Switzer-Wheat

Name

John D. Switzer-Wheat
Signature